

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9135 OF 2004

The Premier Automobiles Ltd. .. Petitioner

Vs.

Pune Mazdur Sabha & Anr. .. Respondents

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Shri K.S.Bapat for the Petitioner.

Shri A.S.Rao for the respondents.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 5th NOVEMBER, 2004.

P.C.

1. Taken up on board on request.

2. Heard the learned advocates for the parties.
The petitioner challenges the impugned order passed by the Industrial Court, Pune, on 1st November, 2004 directing the petitioner to give four days privilege leave in continuation with two days Diwali paid holidays to the employees of the petitioner, who are members of the respondent - union to the extent of 50% of the employees considering the distance of their native place.

3. Though the impugned order is sought to be challenged on various grounds, it is not necessary to deal with all those grounds and in the peculiar facts and circumstances of the case, with the consent of the parties, the impugned order can be set aside leaving it to those employees who are genuinely in the need of such leave to apply to the petitioner and the petitioner to consider their applications without any ill feeling against the respondents for they having approached the Industrial Court with the complaint and without being influenced by any such extraneous circumstances.

4. Consequently, by consent, in the facts and circumstances of the case, the impugned order is hereby quashed and set aside leaving it to the employees who are members of the respondent-union individually to apply to the petitioner for such leave if they need so, and the petitioner shall consider their applications on merits and without being influenced in any manner by the extraneous circumstances including the fact that the respondents had approached the Industrial Court with the complaint regarding denial of such leave.

5. With these directions, the petition is disposed of.
